

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT
U.S. APPLN. NO. 10/595,109

REMARKS

This Response, submitted in reply to the Notice of Non-Compliant Amendment dated July 2, 2007, is believed to be fully responsive to the matter raised therein. Claims 15 and 16 have been renumbered as claims 14 and 15, respectively, and the Remarks have been correspondingly corrected as follows.

* * *

Drawings

Applicant requests the Examiner to reconsider and withdraw the objection to the drawings in view of the above corrective amendment to the specification at page 5, line 25, wherein the numeral "15" has been inserted.

Specification

Applicant also respectfully requests the Examiner to reconsider and withdraw the objection to the disclosure in view of the above amendments inserting the recommended headings.

Claim Objections

Applicant respectfully requests the Examiner to reconsider and withdraw the objections to claims 1-9, because the claims have been canceled and replaced with new claims 10-16 which have been drafted to overcome each and every one of the Examiner's stated objections.

Examiner Merlino issues the following three statutory prior art rejections:

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(1) Claims 1-3, 6 and 8 are rejected under 35 U.S.C. § 102(b) as being anticipated by Miltner '074;

(2) Claims 7 and 9 are rejected under 35 U.S.C. § 103(a) as being unpatentable (obvious) over Miltner '074; and

(3) Claims 1-5, 8 and 9 are rejected under 35 U.S.C. § 102(b) as being anticipated by Speight '238.

Applicant respectfully **traverses** each of these rejections.

New claim 10 is a combination of the limitations of originally filed claims 1, 2, 3, 4 and 5, with the following additional features:

1. The connecting piece is axially movable with respect to the first part. Support for this feature can be found in the specification on p. 6, l. 20. Although this paragraph relates to the embodiment of Figures 1, 4 and 5 (with only one push button), there is stated that “the push button is, in fact, the connecting piece;

2. The spring between the connecting piece and the first part: see originally filed claim 6;

3. The fact that the connecting piece is moved towards the first part against the force of the spring when any one of the push buttons is pushed: see specification, p. 7, l. 4 – 8; and

4. In originally filed claim 5, there was defined that “*so that when pushing at least one push button, the rotary motion of the second part will be transferred to the first part*”. From the description and the drawings it is clear that only one push button has to be pushed in order to

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be able to rotate the first part by means of the second part. In fact, when pushing only one push button, this push button urges the connecting piece (5) towards the first part so that the bulges (6) on the connecting piece (5) engage the recesses (7) in the first part so that the first part is coupled by the connecting piece to the second part.

Since the Examiner considers originally filed claim 5 to be anticipated by Speight (wherein the two push buttons or dogs have to be depressed to be able to operate the lock: see c. 3, l. 57 – 59 and l. 66 – 69 and c. 4, l. 7 - 10), it appears that the Examiner interprets originally filed claim 5 too broadly, namely that the feature “*when pushing at least one push button*” embraces also the feature of “*when pushing two push buttons*”. To exclude such an interpretation, Applicant has now defined in claim 10 that “*at least when one of said push buttons is pushed, the rotary motion of the second part is transferred to the first part*”. Consequently, claim 10 requires that only one push button has to be pushed to connect both parts, although both parts can also be connected by pushing more than one push button.

Claim 11 corresponds to originally filed claim 7, and claims 12 and 14 correspond to originally filed claim 9.

Claims 13 and 15 are new claims based on the specification at p. 3, l. 27 – 29 and p. 6, l. 27 – 28.

As to the patentability of the invention as now defined in new claim 10, Applicant notes that the Examiner issued no rejections as to the novelty or obviousness of originally filed claims 4 and 5 in view of Miltner. Since Applicant has incorporated the limitations of these two claims

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in the new claim 10, no comments on the relevance of Miltner appear now to be necessary. However, an important difference (apparently recognized by the Examiner) between the element claimed in claim 10 and the door handle disclosed in Miltner is that the door handle of Miltner has only one push button.

The childproof latching mechanism of Speight comprises, however, two push buttons (dogs 42). According to c. 3, l. 57 – 59 and l. 66 – 69 and c. 4, l. 7 – 10, these two push buttons **both** have to be depressed. Moreover, the knob itself has subsequently to be pressed axially in against the force of the spring (30) before being able to operate the latching mechanism to actuate the latch.

An important drawback of such a latching mechanism is that it is very difficult to open a door which turns toward the person who wants to open the door. Indeed, such a person has to push both push buttons and has to **press in** the knob while **pulling** the door open. It is clear that such handling is almost impossible with one hand, so, when the person carries an object in one hand, it is almost impossible to open the door without first placing the object onto the ground.

In the element according to claim 10, this “drawback” is obviated by the fact that the person who wants to open the door has to push only one push button and by the fact that the person does not have to press in the knob while pulling the door open. As a matter of fact, when one of the push buttons is pushed, the connecting piece is automatically moved forward in engagement with the first part so that no forward movement of the knob is required.

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Another important advantage of the element according to claim 10 is that one of the push buttons provided on the freely rotatable second part will nearly always be in a good position in the person's hand to enable this person to push this push button. The latching mechanism of Speight, on the **contrary**, has to be held correctly in the hand to be able to depress simultaneously both push buttons.

Furthermore, notwithstanding the fact that the element according to claim 10 is much more user friendly than the latching mechanism of Speight, it is childproof since two successive operations are required to unlock the door, namely depressing of one of the push buttons and rotation of the second part. The childproof properties can further be improved by making the spring between the connecting piece and the first part sufficiently strong, more particularly so that a pressure of at least 25 Newtons has to be exerted on one of the push buttons in order to be able to depress this button and move the connecting piece into engagement with the first part.

Since new claim 10 (including the limitations of original claims 4 and 5) is **not readable** on Speight '238 as explained above, Applicant respectfully submits that Speight is **incapable of anticipating** the invention defined in claims 10-15.

Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw rejection (3) above.

Since rejections (1) and (2) were not applied to claims 4 and 5 whose limitations are now incorporated into independent claim 10, Applicant respectfully requests the Examiner also to reconsider and withdraw these rejections (as the Examiner tacitly admits that Miltner does not

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disclose or suggest the limitations of claims 4 and 5). It is clear that the pending claims 10-15 are **not readable** on Miltner, and therefore are novel and **not anticipated** by Miltner.

Furthermore, since Miltner clearly does not disclose **all the limitations** of the independent claim 10 and its dependent claims 11-15, it is clear that Miltner also is **incapable** of rendering *prima facie* obvious the subject matter of each of claims 10-15.

Therefore, Applicant respectfully submits that the application now is in condition for allowance with claims 10-15; however, if for any reason the Examiner feels that the application is not now in condition for allowance, the Examiner is respectfully requested to call the undersigned attorney to discuss any unresolved issues and to expedite the disposition of the application.

Respectfully submitted,

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